

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED (I)

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In re:)

U.S. BANKRUPTCY COURT
Chapter 9 E.D. MICHIGAN-DETROIT

CITY OF DETROIT, MICHIGAN,)

Case No. 13-53846

Debtor.)

Hon. Steven W. Rhodes

**MOTION OF OBJECTING CREDITOR Estella L. Ball
REQUESTING THE RIGHT TO PARTICIPATE IN THE CONFIRMATION HEARINGS
FOR THE CITY OF DETROIT'S PLAN OF ADJUSTMENT .**

In support of this motion, the movant says that:

I am a creditor, and a member of Class 11 (General Retirement System pension recipient) and Class 12 (OPEB recipient), a citizen of the United States of America, a resident of Detroit Michigan of African American Descent. I hereby object to the Fourth Amended Plan for the Adjustment of Debts of the City of Detroit (the "Plan") (Docket No. 4392) because: the Comprehensive State Release (the "Release") is improper; the Annuity Savings Fund ("ASF") Recoupment is illegal, inequitable and unfair; the Plan is inequitable and unfair; and the Plan cannot be confirmed because it will require the Debtor (the "City of Detroit" or the "City") to take an action that is forbidden under the Constitution of the State of Michigan, the Charter of the City of Detroit and the United States Constitution. The adoption of this Plan will affect all the citizens of the City of Detroit and nullify their due process right to "elect representatives with general legislative power."

I filed a timely objection in a timely manner and the unique issues I would like to address the court on are:

A. Non-Debtor Releases and Injunctions

The Release that the Plan seeks to enforce upon both consenting and dissenting members of Class 11 and Class 12, should those classes vote to accept the plan, is an improper non-consensual release of third parties (the State of Michigan) that fails the 7-part test for "unusual circumstances" established by the 6th Circuit Court. The "Comprehensive State Release" does not meet the standard for "unusual circumstances" set by the 6th Circuit and should not be granted.

B. Annuity Savings Fund Recoupment

The Plan proposes a seizure of the assets of creditors in Class 11, without due process, that is not supported by bankruptcy or non-bankruptcy law and is a violation of the Detroit Municipal Code and the United States Constitution.

C. Fair and Equitable Treatment

1. The different treatment of those in Class 11 who had annuity savings accounts in the years 2003-2013 and those who did not is a violation of 11 U.S.C. 1123(a)(4) which calls for all claims within a particular class to be treated the same:

D. Plan Confirmation

The Plan cannot be confirmed because it requires the Debtor to take actions that violate the law and it is not in the best interests of Class 11 creditors.

1. This plan is not in line with state and local laws. It requires the establishment of the City of Detroit Oversight committee and the Oversight Committee of the Pension Fund which effectively takes all decision making away from the elected officials of the City of Detroit and the Pension Board as set up by the City Charter is a violation of my rights and all residents of the City of Detroit's substantive due process right to "elect representatives with general legislative power and is in direct violation of 24 U.S.C. § 1983 and Section 2 of the Voting Rights Act ("VRA"), 42 U.S.C. § 1973, P.A. 436 violated the VRA and the United States Constitution.
2. The plan requires negating the City Charter provision that the GRS Board currently makes all administrative, actuarial and investment related decisions for the GRS.

Evidence: 24 U.S.C. § 1983 and Section 2 of the Voting Rights Act ("VRA"), 42 U.S.C. § 1973, P.A. 436 violated the VRA and the United States Constitution. Sec. 9-601 and Sec. 13-105 of the Detroit City code. Case of *in re SL Liquidating, Inc.*, the United States Bankruptcy Court for the Southern District of Ohio

Witnesses: Kevin Orr , City of Detroit staff attorney re City Code.

My testimony will take no more than 5 minutes.

Dated: August 18, 2014

Respectfully Submitted,
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